

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, FEBRUARY 3, 2016**

PRESENT: Peter F. Murphy, Springfield District
Frank A. de la Fe, Hunter Mill District
Ellen J. Hurley, Braddock District
John C. Ulfelder, Dranesville District
James T. Migliaccio, Lee District
Julie Strandlie, Mason District
Kenneth A. Lawrence, Providence District
Karen Keys-Gamarra, Sully District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large

ABSENT: Earl L. Flanagan, Mount Vernon District
Timothy J. Sargeant, Commissioner At-Large

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The meeting was called to order at 8:17 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Lawrence announced that the Planning Commission's Tysons Committee would meet on Wednesday, February 17, 2016 at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center and welcomed the public to attend.

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Commissioner Lawrence announced that the applicant for PCA 75-7-004-03 and SE 2015-PR-021, Meridian Science 7980, LP, had requested additional time to address the concerns raised during the public hearing; therefore, he MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR PCA 75-7-004-03 AND SE 2015-PR-021, MERIDIAN SCIENCE 7980, LP, TO A DATE CERTAIN OF FEBRUARY 17, 2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner de la Fe seconded the motion, which carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.

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Chairman Murphy MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY FOR SE 2015-SP-023 AND 2232-S15-5, CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS: LITTLE LEAGUE, INC., FAIRFAX, TO A DATE CERTAIN OF FEBRUARY 25,

2016, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENT.

Commissioner Hart seconded the motion, which carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.

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FS-P15-12 – SITE LINK/VERIZON WIRELESS, 7801 Leesburg Pike

(Verbatim Transcript)

Commissioner Lawrence: I have a – a “feature shown.” Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION CONCUR WITH STAFF’S DETERMINATION THAT THE TELECOMMUNICATION FACILITY INSTALLATION PROPOSED BY SITE LINK/VERIZON WIRELESS, LOCATED AT 7801 LEESBURG PIKE, FALLS CHURCH, 20043, IS SUBSTANTIALLY IN ACCORD WITH THE RECOMMENDATIONS OF THE ADOPTED COMPREHENSIVE PLAN AND SHOULD BE CONSIDERED A “FEATURE SHOWN,” PURSUANT TO VIRGINIA CODE SECTION 15.2-2232, AS AMENDED.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to concur with the “feature shown” determination in FS-P15-12, say aye.

Commissioners: Aye

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

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ORDER OF THE AGENDA

Secretary Hart established the following order of the agenda:

1. 2232-S15-9 – CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND MILESTONE TOWER, LP III
2. FDPA 91-W-023-02-02 – FAIRFAX COUNTY DEPARTMENT OF FACILITIES MANAGEMENT (Providence District)
3. PCA/FDPA 2009-HM-017 – FAIRFAX COUNTY BOARD OF SUPERVISORS (Dranesville District)

4. SE 2015-DR-028/2232-D15-14 – WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL & PUBLIC TRANSPORTATION o/b/o THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY, CONCURRENT W/ THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY AND THE VIRGINIA DEPARTMENT OF RAIL & PUBLIC TRANSPORTATION

This order was accepted without objection.

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The first public hearing was in the Springfield District; therefore, Chairman Murphy relinquished the Chair to Vice Chairman de la Fe.

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2232-S15-9 – CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS AND MILESTONE TOWER, LP III – Appl. under Sects. 15.2-2204 and 15.2-2232 of the *Code of Virginia* to develop a 130 monopole telecommunications facility located at 9211 Old Keene Mill Rd. Tax Map: 88-2 ((1)) 7. SPRINGFIELD DISTRICT. PUBLIC HEARING.

Commissioner Murphy asked that Vice Chairman de la Fe ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Vice Chairman de la Fe closed the public hearing and recognized Commissioner Murphy action on this case.

(Start Verbatim Transcript)

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Vice Chairman de la Fe: The public hearing is closed. Mr. Murphy.

Commissioner Murphy: Thank you, Mr. Chairman. This is a straightforward 2232 application to construct a 130-foot tall monopole telecommunications facility at 9211 Old Keane Mill Road, Burke, Virginia. We have had no citizen comment. The applicant did a great job alerting the citizens in the general area that this was going on there. It is on a piece of property that has also on the property Dominion Power towers, but they were unable to fit this kind of facility on one of the towers and collocate it, rather, so it was necessary to have a tower of their own. Therefore, Mr. Chairman, I CONCUR WITH THE STAFF'S CONCLUSION THAT THE PROPOSAL BY CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS AND MILESTONE TOWER LIMITED PARTNERSHIP TO CONSTRUCT A 130-FOOT TALL MONOPOLE TELECOMMUNICATIONS FACILITY AT 9211 OLD KEANE MILL ROAD, BURKE, VIRGINIA, SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN *VIRGINIA CODE* SECTION 15.2-2232, AS AMENDED. Therefore, Mr.

Chairman, I MOVE THAT THE PLANNING COMMISSION FIND THE SUBJECT APPLICATION 2232-S15-9 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN AND I MOVE APPROVAL.

Commissioners Hart and Hedetniemi: Second.

Vice Chairman de la Fe: Seconded by Mr. Hart and Ms. Hedetniemi. Any discussion? Hearing and seeing none all those in favor, please signify by saying aye.

Commissioners: Aye.

Vice Chairman de la Fe: Opposed? The motion carries.

(The motion carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

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At the conclusion of the case, Chairman Murphy resumed the Chair.

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FDPA 91-W-023-02-02 – FAIRFAX COUNTY DEPARTMENT OF FACILITIES MANAGEMENT – Appl. for the second amendment to the second final development plan for RZ 91-W-023 to permit site modifications (demolition of building) and associated changes to the development conditions. Located at 10604 Judicial Dr., Fairfax, 22035, on approx. 43.08 ac. of land zoned PDC. Tax Map 57-4 ((1)) 14. PROVIDENCE DISTRICT. PUBLIC HEARING.

Michael Lambert, Applicant's Agent, Facilities Management Department of Fairfax County, reaffirmed the affidavit dated December 22, 2015.

There were no disclosures by Commission members.

Commissioner Lawrence asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence action on this case.

(Start Verbatim Transcript)

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Chairman Murphy: We'll close the public hearing; recognize Mr. Lawrence.

Commissioner Lawrence: Thank you, Mr. Chairman. I have one propaedeutic for staff. Mr. Lambert, would you please come back to the-

Michael Lambert, Applicant's Agent, Facilities Management Department of Fairfax County: Yes, sir.

Commissioner Lawrence: Sir, do you agree with the development conditions for this application?

Mr. Lambert: I do agree with the development conditions.

Commissioner Lawrence: Thank you very much. Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 91-W-023-02-02, SUBJECT TO THE DEVELOPMENT CONDITIONS CONSISTENT WITH THOSE DATED JANUARY 19TH, 2016.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to approve FDPA 91-W-023-02-02, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(The motion carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

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PCA/FDPA 2009-HM-017 – FAIRFAX COUNTY BOARD OF SUPERVISORS – Appls. to amend the proffers, conceptual, and final development plan for RZ 2009-HM-017 previously approved for transit oriented mixed-use development to permit modifications to proffers and site design with no change to the approved overall Floor Area Ratio (FAR) of 3.05, including bonus density with associated workforce housing. Located on the S. side of Dulles Toll Rd., W. of Dulles Station Blvd., on approx. 5.52 ac. of land zoned PRM. Comp. Plan Rec: Transit Oriented Development. Tax Map 15-2 ((1)) 13A pt. and 15-4 ((5)) 5B pt. DRANESVILLE DISTRICT. PUBLIC HEARING.

Heather Diez, Applicant's Agent, Capital Facilities, Building Design and Construction Division of Fairfax County, reaffirmed the affidavit dated November 30, 2015.

There were no disclosures by Commission members.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of applications PCA/FDPA 2009-HM-017, subject to the execution of the proffers articulated in Attachment 1 of the staff report addendum dated February 2, 2016.

Ms. Diez stated that she concurred with staff's recommendation for approval of the subject applications. She also indicated that the purpose of the proposal was to modify the height of the garage to address issues regarding existing rock formations located underneath this structure.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on these cases.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. There's a reason why this area is the Rocks Development, this site. And it's been well-known and I'm glad that they were able to, through the engineering process, to really come up with a solution to do this. We're only talking about a 12-foot increase in height overall for the building – for the garage. And this is in a very important feature of this – this area as it further develops in connection with the Metro Silver Line and the transit-oriented development plans for this area. So with that, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF PCA 2009-HM-017 AND THE ASSOCIATED CONCEPTUAL DEVELOPMENT PLAN AMENDMENT, SUBJECT TO PROFFERS DATED JANUARY 27TH, 2016.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion to recommend to the Board of Supervisors that it approve PCA 2009-HM-017, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION APPROVE FDPA 2009-HM-017, SUBJECT TO THE BOARD'S APPROVAL OF THE CONCURRENT PROFFERED CONDITION AMENDMENT APPLICATION.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of that motion? All those in favor of the motion to approve FDPA 2009-HM-017, subject to the Board's approval of the PCA, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I MOVE THAT THE PLANNING COMMISSION RECOMMEND A REAFFIRMATION OF THE LIST OF PREVIOUSLY APPROVED MODIFICATIONS AND WAIVERS NOW DATED FEBRUARY 3RD, 2016, THAT WERE PROVIDED TO YOU TODAY AND FURTHER DISCUSSED IN THE STAFF REPORT. THIS LIST SHALL BE MADE PART OF THE RECORD OF THIS CASE.

Commissioner de la Fe: Second.

Chairman Murphy: Seconded by Mr. de la Fe. Is there a discussion of the motion? All those in favor of the motion as articulated by Mr. Ulfelder, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(Each motion carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

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SE 2015-DR-028 – METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION o/b/o THE WASHINGTON AREA TRANSIT AUTHORITY AND THE BOARD OF SUPERVISORS OF FAIRFAX COUNTY – Appl. under Sect. 5-404 of the Zoning Ordinance to permit electrically-powered regional rail transit facilities. Located at 2205 Rock Hill Rd., Herndon, 20170, on approx. 2.31 ac. of land zoned I-4. Tax Map 15-2 ((1)) 17 (part). (Concurrent with 2232-D15-14.) DRANESVILLE DISTRICT. PUBLIC HEARING.

2232-D15-14 – METROPOLITAN WASHINGTON AIRPORTS
AUTHORITY (MWAA) AND THE VIRGINIA DEPARTMENT
OF RAIL AND PUBLIC TRANSPORTATION o/b/o THE
WASHINGTON AREA TRANSIT AUTHORITY AND THE
BOARD OF SUPERVISORS OF FAIRFAX COUNTY – Appl.
under Sect(s). 15.2-2204 and 15.2-2232 of the *Code of Virginia* to
permit electrically-powered regional rail transit facilities. Located
at 2205 Rock Hill Rd., Herndon, 20170, on approx. 2.31 ac. of
land zoned I-4. Tax Map 15-2 ((1)) 17 (part). (Concurrent with SE
2015-DR-028.) DRANESVILLE DISTRICT. PUBLIC
HEARING.

Noah Klein, Applicant's Agent, Odin, Feldman & Pittleman, PC, reaffirmed the affidavit dated December 23, 2016.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had one pending case and a recently concluded case in which attorneys from Odin, Feldman & Pittleman, PC, represented adverse parties. However, he noted that these matters and those parties were unrelated to the subject applications and since there was no business or financial relationship, it would not affect his ability to participate in these cases.

In addition, Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had an attorney/client relationship with two limited liability companies that were unrelated to these applications, but in which a minority interest was held by Peter C. Forester, who was listed in the affidavit as a shareholder owning more than 10 percent of any class of stock of Clark Construction Group, LLC. Commissioner Hart then pointed out that Clark Construction Group, LLC was listed as a joint venture partner for Capital Rail Constructors, which was listed in the affidavit as an Engineer/Agent for the applicant. However, he indicated that his legal work with Mr. Forester or these companies in which Mr. Forester had an interest was unrelated to these applications or the parties in the affidavit. He then added that these companies were not involved in these applications; therefore, it would not affect his ability to participate in these cases.

William O'Donnell, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of application SE 2015-DR-028. He also noted that staff recommended that the Planning Commission concur with staff's conclusion that application 2232-D15-14 satisfied the criteria of location, character, and extent, as specified in Section 15.2-2232 of the *Code of Virginia*, as amended; and was substantially in accord with the provisions of the adopted Comprehensive Plan.

Commissioner Ulfelder pointed out that the area surrounding the subject property was currently undeveloped with the only significant development pertaining to that associated with the Center for Innovative Technology (CIT). In addition, he noted that the site was located near the border

of Loudoun County and portions of the CIT development included land that was located within Loudoun County.

Commissioner Ulfelder then explained that the portion of this development that was located in Fairfax County would include development at densities consistent with that of Transit-Oriented Development (TOD).

A discussion ensued between Commissioner Ulfelder and Mr. O'Donnell regarding whether the development within Loudoun County's portion of the CIT development included provisions similar to the TOD planned within Fairfax County's portion and the proximity of the CIT development to the planned Route 28/CIT Metrorail Station wherein Mr. O'Donnell described the planned development and road network for the area surrounding this Metrorail Station in both Fairfax and Loudoun County.

Commissioner Ulfelder said that the planned development for the for the Route 28/CIT Metrorail Station had been reviewed during an Area Plans Review conducted in May 2010 and this development included a grid of streets between the developments within Fairfax County and Loudoun County. He then indicated that the portions of the CIT development in both counties would be aligned in a manner that would accommodate this grid of streets, adding that such development would be consistent with the provisions of a TOD. In addition, he stated that the grid of streets was intended to accommodate the expected increases in trips that would be generated as the area around the Route 28/CIT Metrorail Station developed. Mr. O'Donnell concurred with Commissioner Ulfelder's remarks, adding that the applicant for the CIT development intended to accommodate this grid of streets as the planned development around the subject property was implemented.

Commissioner Lawrence said that the CIT development would need to incorporate provisions that would accommodate visitors accessing the facilities that specialized in robotic prosthetic devices. A discussion ensued between Commissioner Lawrence and Mr. O'Donnell, with input from James Van Zee, Agent for the Co-Applicant, Metropolitan Washington Airports Authority, regarding the manner in which the proposed development would accommodate the handicapped or individuals with limited mobility in accessing the elevated walkway, wherein Mr. Van Zee explained the following:

- The proposed development would not utilize a pavilion and would instead implement a canopy;
- The canopy for the proposed development would be similar to the one utilized on the north side of the Wiehle Avenue Metrorail Station;
- The canopy for the proposed development would be accessible without the use of an elevator or an escalator due to the topography of the subject property;

- The installation of an elevator or escalator was not necessary because there would be no significant change in elevation near the entrance to the canopy; and
- The access to the canopy would comply with the standards prescribed by the Washington Metropolitan Area Transit Authority, the State of Virginia, and the Americans With Disabilities Act.

Mr. Klein stated that he concurred with the recommendations articulated by staff. He added that he also concurred with the comments made by Mr. Van Zee regarding the design of the canopy and the concerns articulated by Commissioner Lawrence regarding the handicap accessibility of the site.

Chairman Murphy called for speakers from the audience, but received no response; therefore, he noted that a rebuttal statement was not necessary. There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Ulfelder for action on these cases.

(Start Verbatim Transcript)

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Chairman Murphy: Public hearing is closed. Mr. Ulfelder.

Commissioner Ulfelder: Thank you, Mr. Chairman. I believe this is the last station – one more? Okay, south – one more. With that, Mr. Chairman, I request – would the – could the applicant representative please come forward? Thanks. Would you confirm for the record agreement to the proposed development conditions now dated January 19th, 2016?

Noah Klein, Esquire, Applicant's Agent, Odin, Feldman & Pittleman, PC: We are agreed.

Commissioner Ulfelder: Okay, thank you. Mr. Chairman, I CONCUR WITH STAFF'S CONCLUSION THAT THE PROPOSED ELECTRICALLY-POWERED REGIONALLY RAIL TRANSIT FACILITY SATISFIES THE CRITERIA OF LOCATION, CHARACTER, AND EXTENT, AS SPECIFIED IN SECTION 15.2-2232 OF THE *CODE OF VIRGINIA*, AS AMENDED. Therefore, Mr. Chairman, I MOVE THAT THE PLANNING COMMISSION FIND 2232-D15-14 SUBSTANTIALLY IN ACCORD WITH THE PROVISIONS OF THE ADOPTED COMPREHENSIVE PLAN.

Commissioners Migliaccio and Lawrence: Second.

Chairman Murphy: Seconded by Mr. Migliaccio and Mr. Lawrence. Is there a discussion? All those in favor of the motion to approve 2232-D15-14, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries. Mr. Ulfelder.

Commissioner Ulfelder: Thank you. I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF SE 2015-DR-028, SUBJECT TO THE PROPOSED DEVELOPMENT CONDITIONS DATED JANUARY 19TH, 2016.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of the motion to recommend to the Board of Supervisors that it approve SE 2015-DR-028, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENTS TO THE SOUTH AND EAST IN FAVOR OF THE LANDSCAPE TREATMENTS DEPICTED ON THE SE PLAT AND AS CONDITIONED.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor of that motion, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

Commissioner Ulfelder: I FURTHER MOVE THAT THE PLANNING COMMISSION RECOMMEND THE BOARD OF SUPERVISORS TO DIRECT TO THE DIRECTOR OF DPWES TO PERMIT A DEVIATION FROM THE TREE PRESERVATION TARGET PERCENTAGE IN FAVOR OF THE PROPOSED LANDSCAPING SHOWN ON THE SE PLAT.

Commissioner Migliaccio: Second.

Chairman Murphy: Seconded by Mr. Migliaccio. Discussion? All those in favor, say aye.

Commissioners: Aye.

Chairman Murphy: Opposed? Motion carries.

(Each motion carried by a vote of 10-0. Commissioners Flanagan and Sargeant were absent from the meeting.)

(End Verbatim Transcript)

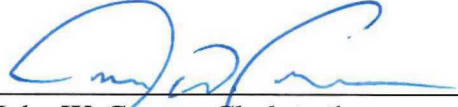
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The meeting was adjourned at 8:51 p.m.
Peter F. Murphy, Chairman
James R. Hart, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office,
12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: July 14, 2016



John W. Cooper, Clerk to the
Fairfax County Planning Commission